

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

UNITED STATES OF AMERICA §
VS. § CRIMINAL NO. G-05-36-M
HOANG NGUYEN §

ORDER OF DETENTION

On November 4, 2005, this Court conducted a combined Preliminary and Detention Hearing in the above-styled and numbered cause; the Government moved for **Nguyen's** detention. The Government offered the testimony of Richard Cook, a Special Agent with the United States Department of Commerce, NOAA - Office for Law Enforcement; Defendant **Nguyen** offered no testimony. The Court also made the Pretrial Services report, which recommended detention, a part of the record. Having now considered all of the evidence the Court issues the following findings of facts and conclusions of law

The Court **FINDS** that there is probable cause to believe that **Nguyen** has committed the felony offense of smuggling illegal red snapper into the United States, in violation of 18 U.S.C. § 545.

The Court further **FINDS** that **Nguyen** is presently subject to a detainer lodged against him by the Department of Homeland Security Bureau of Immigration and Customs Enforcement which currently provides for no bond.

Since **Nguyen** presently has no legitimate claim to a liberty interest that would justify an immediate or meaningful detention determination under 18 U.S.C. § 3142(f), it is the **ORDER** of this Court that good cause exists to postpone the need for such a determination until

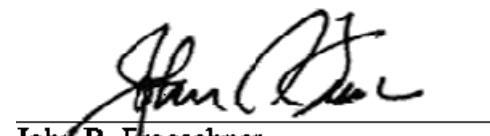
such time as **Nguyen** can maintain a legitimate liberty interest before this Court. See United States v. King, 818 F.2d 112, 114 (1st Cir. 1987). Accordingly, the Court finds that there is no need to make a detention determination at this time.

It is, therefore, **ORDERED** that the Defendant, **Hoang Nguyen**, be, and is hereby, **COMMITTED** to the custody of the Attorney General or his designated representative for confinement in a corrections facility.

It is further **ORDERED** that the Defendant, **Hoang Nguyen**, **SHALL** be afforded a reasonable opportunity for private consultation with defense counsel.

It is further **ORDERED** that upon Order of a Court of the United States or upon request of an attorney for the Government, the person in charge of the corrections facility **SHALL** deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

DONE at Galveston, Texas, this 7th day of November, 2005.



John R. Froeschner
United States Magistrate Judge